

SCOTT N. SCHOOLS (SCSBN 9990)
United States Attorney

FILED

2007 MAY 16 A 11:52

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.

E-FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FELISARDO OLIVAS-LEYVA,

Defendant.

CR No. 07 00302

VIOLATION: 8 U.S.C. § 1326 -
Illegal Re-entry Following Deportation

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

On or about September 20, 2006, the defendant

FELISARDO OLIVAS-LEYVA,

an alien, previously having been arrested and deported from the United States on or about August 20, 2002, September 23, 2002, March 7, 2003, July 9, 2003, March 22, 2004 and October 17, 2004 was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a reapplication by the defendant for admission into the United States, in

//

INFORMATION

//

violation of Title 8, United States Code, § 1326.

DATED:

May 15, 2007

SCOTT N. SCHOOLS
United States Attorney

David R. Callaway
DAVID R. CALLAWAY
Deputy Chief, San Jose Branch

Approved as to form:

Benjamin T. Kennedy
SAUSA: Benjamin Kennedy

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

Title 8, U.S.C. § 1326 - Illegal Re-Entry Following Deportation

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony
PENALTY:
 20 years imprisonment
 \$250,000 fine
 3 years supervised release
 \$100 special assessment fee
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

ICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

 Name and Office of Person
 Furnishing Information on
 THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

BENJAMIN KENNEDY

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

FELISARDO OLIVAS-LEYVACLERK

DISTRICT COURT NUMBER

07 00302

DEFENDANT**IS NOT IN CUSTODY**

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: